IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2854 OF 2003

K. Premsinh Varma
residing at B-43, Jeet Nagar,
Versova Road, Mumbai-400 061. .. Petitioners

V/s

1. Union of India
(Through the Secretary to the
Government of India, Ministry
of Ingformation & Broadcasting,
Shastri Bhavan, New Delhi-110 001.

2. Doordarshan
Doordarshan Bhavan,
Copernicus Marg,
New Delhi - 110 001
(Through the Director General,
Doordarshan)

3. Prasar Bharati
(Broadcasting Corpn. of India)
Directorate General, Doordarshan
Doordarshan Bhavan,
Copernicus Marg,
New Delhi-110 001. .. Respondents

Petitioner in person.

Mr.S.M. Shah with Mr.D.A. Dubey for the Respondents.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 12TH APRIL 2005

ORAL JUDGMENT: (Per Gokhale, J.)

1. The Petitioner is a producer of films and has specialised in wildlife filming in its natural habitat. He is a person with experience in this field. He had made one film earlier on late Dr. Salim Ali, the world

renowned Indian Ornithologist.

2. This petition filed by him seeks to challenge clauses 9 and 10 in "Some Salient Features" of Doordarshan's New Sponsorship Scheme. The challenge arises in the following circumstances.

3. In September 1990, the Director General of Doordarshan, which is joined as Respondent No.2, invited proposals for production of sponsored series in different categories. The proposals were to be submitted by 31st October 1990. The Petitioner sent his proposal entitled "Wild Ones". It covered some rare and less known wildlife in India. The serial was to be of 52 episodes. The proposal was returned without giving any reason.

4. Subsequently, consequent upon some direction given by Delhi High Court, the Petitioner received a letter dated 18th August 1997 from the Director General, Doordarshan calling upon him to produce a pilot episode at his own cost within 3 months. The Petitioner wrote back on 9th September 1997 informing that this limit of 3 months be waived since shooting the animals in their natural habitat was going to take time. He sought an extension of about 12 months. There was no reply and the Petitioner took it that he is granted the extension.

He therefore prepared one pilot episode at his own cost and forwarded it to Respondent No.2 on 3rd February 1998. On 30th July 1998, the Secretary of Prasar Bharati, which has been joined as Respondent No.3, acknowledged the receipt thereof. However, no further communication was received. Ultimately, the Petitioner received a letter of rejection dated 11th July 2001 since he had not presented the pilot episode within the time provided.

5. This requirement is stipulated in the Rules framed by the Doordarshan under the sponsorship scheme, namely that from the date of acceptance of a proposal, the episode must be made available within 3 months. The petition, therefore, seeks to challenge this requirement. It further seeks a direction that the Petitioner should be permitted to complete the serial and the Doordarshan ought to examine his proposal and ought to telecast the episode.

6. Before we examine the submissions, we may as well note that a reply has been filed by one Shri Nagesh Mahale, Programme Executive, Doordarshan, Mumbai wherein he has pointed out that the Petitioner had filed one more petition being Writ Petition No.1351 of 2002 wherein this defence of the pilot episode not being tendered within 3 months was raised and therefore the

petition came to be dismissed. As far as this submission is concerned, we may note that the Petitioner has now challenged the vires of the particular clauses as being unconstitutional.

7. We quite see the force in the submission of the Respondents that since the Petitioner had filed one petition earlier, he should not be allowed to reagitate the same issue by filing another petition though raising some other ground. However, with a view to see the merit of the work done by the Petitioner, we asked him as to whether the pilot episode, which he had prepared, could be made available to the Respondents. He submitted that the the same has been furnished to the Respondents earlier. We asked the learned counsel for the Respondents to get a copy of the pilot episode from their office in Delhi. One Shri Mandloi, Deputy Director General of Doordarshan was present in Court. We were informed that pilot episode, which was submitted much earlier, was no longer traceable. We therefore asked the Petitioner to produce a copy of that episode which he had with him. He made it available to us and we viewed the same in the presence of Mr.Mandloi, Deputy Director General of Doordarshan.

8. Having seen this pilot episode, which is for about 20-21 minutes, we find that it deals with various

species of wildlife. They are shot in their natural environment and their habitat. The birth and growth of these animals has been caught on the camera. Thus the weaver bird, water snakes, crocodiles, chameleon, snakes, cobra, python and leopard are some of the animals which are sought to be covered in this first episode. The episode appears to be useful from the point of view of information and education. Having seen this pilot episode, we asked Mr.Mandloi as to whether the Petitioner could be given one more opportunity and whether the episode could be examined by the appropriate authority of Doordarshan. We asked the Petitioner as to whether he could prepare a better copy inasmuch as the visibility and the sound recording have to be improved. He promised that he will tender a better copy to the Respondents for their examination.

9. It is material to note that in this project there is hardly any financial burden on the Respondents. If the pilot episode of the Petitioner is approved, he will proceed to prepare the further episodes which will be at his own expenses. He will obtain his own sponsors and complete the episodes. His request was that to the extent possible, it should be shown at prime time. Mr.Shah, learned counsel for the Respondents, on instructions of the officers who are present in Court, pointed out that it will be difficult to make available

any time slot in the evening, but they will endeavour to make available a time slot on Saturday and Sunday between 9.00 and 11.00 a.m. when the children could see the episodes.

10. Having noted the submissions, we are of the view that it will be better that rather than going into the legality of the concerned clauses, the Petitioner should be afforded an opportunity which we hereby direct the Respondents to offer him. The Petitioner will make available a copy of the episode in Beta form to the Controller of Programmes, Prasar Bharati, DD-1, New Delhi. Mr.Shah states that on receiving the said copy, the Respondents will fix a meeting of the committee and take the decision thereon within 4 weeks thereof which will be informed to the Petitioner.

11. Before we conclude, we would like to record that the efforts of the Petitioner appear to be quite useful from the point of view of information and education, and we hope and we are sure that the Respondents will take a similarly enlightened view of the efforts made by the Petitioner.

12. Petition stands disposed of. There will be no order as to costs.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)